

Legislative Context and Shared Practice Models

BOYLE, J, MacKAY, T & LAUHLAN, F (2017) Legislative Context and Shared Practice Models. Ch. 3 (pps. 44-60) in B Kelly, L Woolfson & J Boyle (eds.) Frameworks for Practice in Educational Psychology: A Textbook for Trainees and Practitioners. 2nd. Ed. London: Jessica Kingsley. ISBN 978-1-78592-007-3.

Introduction

The application of psychological theory to the practice of educational psychology does not take place in a political or conceptual vacuum: the duties of EPs in the UK have reflected the prevailing goals, values and understandings embedded in the legislation of the time (Boyle & MacKay, 2010; MacKay & Boyle, 2013; Wooldridge, 1994). In turn, EPs have influenced statutes, government circulars and guidance and local education authority policy, most notably in the areas of special educational needs and social inclusion, with more recent developments reflecting the paradigm shift of the 1970s and 1980s from a medical model of assessment and intervention to a more ecological, educational approach (Gillham, 1978; Kirkaldy, 1997).

This chapter considers the impact of legislative and policy contexts upon the practice of educational psychology and the impact of this practice upon legislation and policy in England, Wales, Northern Ireland and Scotland, the four distinctive education systems of the UK. The extent to which legislation has created contexts which have given rise to shared models of practice within these systems and may thus be regarded as a framework *per se* in its own right for such practice will also be discussed together with the implications for future developments in the UK. Readers interested in developments outwith the UK are referred to the reviews of legislation,

policy, organisation and EP practice in over 40 countries by Jimerson, Oakland & Farrell (2007) and Boyle & Lauchlan (2014) and to Dahl, Hoff, Peacock and Ervin's (2012) review of the impact of legislation on the practice of school psychology in the US.

The Legislative Context

England and Wales

A significant development in the legislative context for EPs in the UK was the publication of the Warnock Report (DES, 1978). The recommendations outlined in the Warnock Report informed the policies of the 1981 Education Act in England and Wales, and was to provide a significant shift in attitudes towards special education. The 1981 Act resulted in a move from special education to a more global, inclusive model of special educational needs. In other words, the 1981 legislation represented a shift away from merely considering segregation in special school settings, and instead considered a more inclusive model of including children with particular individualised needs in mainstream settings. In essence, the legislation was an attempt to promote a more positive, inclusive view of children and young people with special educational needs.

As a result of the 1981 Act, specialist provision was no longer to be considered merely in terms of a specific location (i.e. special school), but instead, in terms of the nature of the support required, in addition to that usually provided in mainstream schools. However, an ongoing difficulty for the profession remained; how decisions were made regarding the criteria for deciding upon what constituted additional support. The gatekeeper role of the EP was still germane, and usually revolved around a framework (as outlined in Warnock) of assessing the individual strengths

and weaknesses of each child. It is often argued that such an assessment was often undertaken with reference to norm-based standardised measures (DfEE, 1997; Buck, 1998; Leyden, 1999, MacKay, 2000).

The 1992 HMI Report 'Getting in on the Act' (DES, 1992a) tried to clarify some of these issues in recommending guidelines regarding what would warrant a need sufficient for the drafting of a 'statement' of SENs. The report also included the recommendation that statements should be specific about the targets for each child, and how and when these should be met (e.g. the provision of certain resources), rather than merely considering a move to a specific location. These recommendations led to the Green Paper on SENs (DES, 1992b) and were made policy in the 1993 Education Act, and enshrined in the Code of Practice (DfE, 1994, further adapted in 2001, DfES, 2001).

The introduction of the Code of Practice established effective procedures and systems for schools and EPs when dealing with children with SENs. The 1993 Act also established the concept of SEN Tribunals, a significant development that was to influence some aspects of EP practice. One of the problems with the Code of Practice often cited was that the EP's contribution was seen as beginning at Stage 4, i.e. the assessment for a Statement, preventing any consultation or preventative work by EPs at an earlier stage (Weddell, 2000). Moreover, it was felt that the Code of Practice "underlined the expectations for using 'standardised tests' of 'cognitive functioning' and 'attainment' especially with regard to pupils who may have specific learning difficulties" (Buck, 1998, p. 92). It was perhaps unsurprising that Lokke et al. (1997) found that 65% of respondents said they had significant or increased use of psychometric assessment. Buck (1998, p. 98) declared that "value continues to be

placed on standardised measures of cognitive ability” when deciding on drafting statements and “determining provision”.

The Green Paper ‘Excellence for All Children’ (DfEE, 1997), and follow-up document ‘Meeting special educational needs: A programme for action’ (DfEE, 1998) led to a significant appraisal of the future role of the EP in 2000 (DfEE, 2000). The report, entitled ‘Current Role, Good Practice and Future Directions of Educational Psychology Services in England’, defined the aim of the contribution of EPs as follows:

“to promote child development and learning through the application of psychology by working with individual and groups of children, teachers and other adults in schools, families, other LEA officers, health and social services and other agencies” (DfEE, 2000, p. 5).

A key phrase in this definition was “*through the application of psychology*”, a concept that was felt had been marginalised by the profession because of the proliferation of statutory work (Boxer et al., 1998), and in particular the work involved in following the Code of Practice and writing statements of SENs (MacKay, 2000). Tribunals were increasing and the amount of time spent on tribunals (including preparation time) could often be around 10 hours (Bennett, 1998).

The 1997 Green Paper ‘Excellence for all Children’ and the Special Educational Needs and Disability Act (SENDA) (2001) were intended to begin a greater commitment towards better inclusion of children with SENs within mainstream education. Norwich (2000) raised the question of whether a move towards inclusive education would result in a marginalisation of the EP role as the concept of special education and SENs were dissolved. Norwich, instead, called for the profession to make a positive contribution to their work with children and young people, and one

that revolved around the philosophy of “professional educational psychology that goes beyond school psychology” (Norwich, 2000:6). It was to be some years before this philosophy was to be realised when the Every Child Matters legislation became policy in 2004.

Arguably one of the most significant developments in recent years for the EP profession in England and Wales was the introduction of the ‘Every Child Matters’ (ECM) legislation (DfES, 2004). As a result of the implementation of ECM, there were considerable changes in the delivery of educational psychology services in England and Wales, not least the increased focus on working in a multi-agency context, working as part of integrated children’s services, and with an emphasis on the community context rather than mostly being school-based. Previously, the Children Act (1989 and 2004) was clear in highlighting the importance of multi-agency working, and outlined the need for all agencies to develop effective strategies and procedures that would improve the quality and impact of such work.

One of the consequences of the ECM legislation, in many local authorities, was the restructuring of council departments to combine education and social services under one umbrella, commonly referred to as integrated children’s services. In some authorities this resulted in shared accommodation between EPs and social services staff, and reflected the drive towards the Common Assessment Framework (CAF), which was designed to lead to more consistent and integrated assessment practice across disciplines.

Around the time of the introduction of the ECM legislation, a DES (2006) report - entitled *A Review of the Functions and Contribution of Educational Psychologists in England and Wales in light of “Every Child Matters: Change for Children”* (Farrell

et al., 2006) - explored the changes that took place as a result of this refinement of the EP role.

The researchers found evidence of EPs' involvement in multi-agency work, and moreover, service users reported that EPs were "making an effective contribution within such contexts" (Farrell et al., 2006, p. 8). The range of different agencies, voluntary organisations and professional groups with whom EPs engage in multi-agency work was extensive: "social workers, education welfare officers, residential support workers, child psychiatrists, child clinical psychologists, paediatricians, a variety of CAMHS workers and therapists, speech and language therapists, YOT (Youth Offending Team) staff, Connexions workers, parent partnership workers, school teachers, specialist teachers and special educational needs coordinators, police officers, portage workers, specialist nurses, physiotherapists and occupational therapists, voluntary sector professionals" (Farrell et al., 2006, p. 38-39).

The research provided evidence of the distinctive contribution made by EPs within these multi-agency settings (i.e. "the application of psychological methods, concepts, models, theories and knowledge"); a significant outcome given that another finding was that a lot of the work done by EPs could have been done by other (and on some occasions less trained, and less expensive) professional groups. Furthermore, EPs were viewed by many respondents as being well placed to coordinate some of these different agencies and to act as "a bridge between school and community" (p. 47).

There was evidence in the study that EPs were doing less statutory work than in the past, and instead were undertaking a greater range of 'effective SEN work'. This evidence was further established in a study by Marsh (2014), which confirmed that local authorities gradually reduced the number of statements from 2003-2013.

Respondents in the Farrell et al. (2006) study felt that the reduction of statutory work enabled EPs to extend their delivery of services. However, they acknowledged that EPs still had an important role to play with individual children who have severe and complex needs, and that for these children, the statutory role was still germane.

Despite some of the positive aspects outlined in the Farrell et al. (2006) report, the ECM legislation, introduced by the New Labour Government at the time, was not developed further by the subsequent Conservative-Liberal Democrat Coalition government, from 2010 onwards. In fact, it is important to note that ECM is no longer the explicit statutory policy that local councils work within.

In 2014, the Code of Practice was further revised and updated (DfE, 2014). It lays out guidance for the assessment and intervention for children with SEN. The Code of Practice remains a fundamentally important practice document regarding the role of the EP in England and Wales.

The most significant changes in the 2014 Code include the extension of the age range to be covered from 0-25 years, "a clearer focus on the views of children and young people and on their role in decision-making" (p.14), closer cooperation between education, health services and social care (which coincidentally does, in fact, clearly reflect the previous ECM legislation), and "a greater focus on support that enables those with SEN to succeed in their education and make a successful transition to adulthood" (p.14).

A significant aspect of the document is that the policies outlined are explicit in their support of the continued use of special schools and for parents to have the right to choose (see Lauchlan & Greig, 2015, for further discussion): "Special schools, special post-16 institutions and specialist colleges all have an important role in providing for children and young people with SEN ... Alongside the general

presumption of mainstream education, parents of children with an Education, Health and Care plan and young people with such a plan have the right to seek a place at a special school, special post-16 institution or specialist college" (DfE, 2014, p.28).

The Children and Families Act, introduced in 2014, brought an end to Statements of Special Educational Needs after more than 30 years of their use, and instead saw the introduction of Education, Health and Care (EHC) Plans for children who required a documented account of their needs. With the introduction of this new legislation, and in particular the replacement of statements with EHC Plans, it has been argued that it presents an historic opportunity for EPs to review the content of their statutory reports and make them more 'psychological', especially since, "the new legislation represents potential threats to [EPs'] professional integrity" (Buck, 2015, p.223). Buck argues that the content of EHC plans will have a focus on "within-child" factors to the exclusion of more environmental factors and systemic, whole-class and whole-school work that EPs have developed in recent times. It remains to be seen whether Buck's fears will be realised, as it is still uncertain what impact the introduction of EHC Plans will have on the EP's role.

In Wales, it is important to note that EP services fall under the jurisdiction of the Welsh Assembly. In 2004 the two documents 'Educational Psychology in Wales' and 'Children and Young People: Rights to Action' were published by the Welsh Assembly Government, and outlined an agenda for the role of EPs in meeting the needs of children and young people with SEN. Two issues were highlighted by Farrell et al., (2006) who also researched EPS in Wales, namely: (i) the difficulties there are in delivering effective EP services, especially in a multi-agency context when working in small local authorities with low child populations, and (ii) the shortage of Welsh speaking EPs.

Northern Ireland

Although the acts themselves are separate, education legislation in Northern Ireland largely mirrors that of England and Wales, with the Department for Education in Northern Ireland (DENI) the body with the responsibility for education in Northern Ireland. The Education Reform (Northern Ireland) Order 1989 introduced the Northern Ireland statutory National Curriculum and The Education (Northern Ireland) Order 1996 and the amendments of The Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO) until recently dealt with special education legislation in the Province.

The Education (Northern Ireland) Order 1996 established assessment and statementing procedures similar to those in England and Wales, and was followed by a code of practice (the Education (Special Educational Needs Code of Practice) (Appointed Day) (Northern Ireland) Order 1998) stipulating five stages of statutory school-based assessment which, again, were similar to those in England and Wales, and heightened tensions between pressures to carry out statutory assessments on the one hand, and opportunities to engage in early intervention and preventative work, on the other.

The Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDO) increased the right of children to attend mainstream schools, applied disability discrimination for the time to Northern Ireland, and led to the establishment of a system of tribunals similar to those in England and Wales.

Recently, there have been some structural changes in the organisation of education in Northern Ireland. The Education Act (Northern Ireland) (2014) dissolved the five education and library boards previously responsible for responsible for primary and

secondary education services and youth services and replaced them in 2015 with an Education Authority with five sub-regions. Of particular relevant to EPS, the Special Educational Needs and Disability (SEND) Act (2016) provides the legislative changes for a revised SEN and inclusion framework and code of practice and also deals with disability discrimination in schools.

The SEND Act specifies the duties of the education authority and boards of governors in regard to ensuring that the views of the child and young person are taken into account, and that all pupils with special educational needs should have a learning support coordinator and a personal learning plan which is regularly reviewed. Transition planning must also involve cooperation between education, health and social services, and assessments of special completed with 22 days. The Act also details the procedures for appeals against decisions by parents and children and for mediation in the case of such appeals. And finally, the rights of the child over compulsory school age in relation to special education provision and disability discrimination claims are also laid down.

At the time of writing, the code of practice which provides authorities with advice on implementing the legislation is still in preparation, but the new Act together with the 10 year strategy for children and young people in Northern Ireland (*Our Children and Young People – Our Pledge*, Office of the First Minister and Deputy First Minister, 2006), will provide a framework for practice and opportunities for change for EPS in the Province.

Scotland

Educational psychology services in Scotland developed in a distinctive way in comparison with the rest of the UK. Whereas in England and Wales educational

psychologists worked in school psychological services provided by education authorities and in child guidance clinics which were medically led, in Scotland the functions of both services were combined in an education authority child guidance service under the direction of a principal psychologist (McKnight, 1978; Sampson, 1980). By the outbreak of the Second World War, several authorities had clinics in operation, most of them held on a Saturday morning with staff who worked on a voluntary basis.

It was in recognition of these developments that the statutory period for services began with the Education (Scotland) Act 1946. The Act empowered education authorities to provide child guidance services. It also required the Secretary of State to make regulations defining the various categories of handicapped children, and these were set out in the Special Educational Treatment (Scotland) Regulations 1954. This had important implications for psychologists, who developed a central role in determining which of these children required special education. With the passing of the Education (Scotland) Act 1969 child guidance services became mandatory, and every education authority was required to provide, or to have access to, such a service. The Education (Mentally Handicapped Children) (Scotland) Act 1974, by bringing every child in Scotland under the care of the education authority, led to an extended role for psychologists in working with pupils with complex learning difficulties. The Education (Scotland) Act 1981 extended the psychologist's role further in relation to children and young people with pronounced, specific or complex special educational needs of a long-term nature, who required a Record of Needs. The Record was discontinued with the passing of the Education (Additional Support for Learning) (Scotland) Act 2004, but the Act made provision for children with the most

complex needs by means of a Coordinated Support Plan. Parents were given a right to request psychological assessment of the needs of such children.

Educational psychology services in Scotland are built on a statutory foundation which is broader than for any other country in the world (MacKay, 2013). Unlike England and Wales, where the only statutory function of the educational psychologist for many years was the assessment for the Statement of Needs, replaced in 2014 by a requirement on local authorities to obtain advice and information from an educational psychologist for the EHC Needs Assessments (The Special Educational Needs and Disability Regulations, 2014), a much more comprehensive psychological service was envisaged in the Scottish legislation. The current statutory functions are almost identical to those set out in the 1946 Act, but with some updating to account for modern terminology and requirements of later legislation. These functions are prescribed in the Education (Scotland) Act 1980, which remains the principal Act for Scottish education, although it has been considerably amended by subsidiary legislation since then. The Act as amended states:

It shall be the duty of every education authority to provide for their area a psychological service, and the functions of that service shall include – (a) the study of children having additional support needs; (b) the giving of advice to parents and teachers as to appropriate methods of education for such children; (c) in suitable cases, provision for the additional support needs of such children; (d) the giving of advice to a local authority within the meaning of the Social Work (Scotland) Act 1968 regarding the assessment of the needs of any child for the purposes of any of the provisions of that or any other enactment.

The text of the Act as currently amended removes the anachronisms which increasingly marked the divergence between legislative wording and actual practice within educational psychology. It removed reference to the former ‘child guidance service’, replacing it with the more comprehensive term ‘psychological service’; it deleted references to the service being provided ‘in clinics or elsewhere’, reflecting the general move in practice from locating educational psychology within a medical framework; and it replaced the term ‘special educational needs’ with ‘additional support needs’, which for reasons mainly of an inclusive and philosophical nature had become for several years the terminology of choice in Scotland.

While the Scottish statutory functions will be seen as sharing much in common with the work of educational psychologists elsewhere, the main difference is that they are all mandatory and not discretionary. The wording of the statutes also embraces other important differences which have shaped the way services in Scotland have developed. Most significantly, Scottish educational psychology has not been circumscribed in legislation as a service that is exclusively concerned with narrow educational matters. Four aspects of the wording of the statute reflect this.

First, the requirement was to have ‘a psychological service’ as opposed to ‘a school psychological service’. The view from the beginning of the statutory period, as expressed by the Advisory Council on Education in Scotland, was that ‘the child guidance service is essentially a psychological service, and it should be brought to bear on all manner of problems... requiring psychological knowledge and skills’ (Scottish Education Department, 1952:22). When the services were renamed, all of the broad functions they had as child guidance services continued to be applicable.

Second, although the statutory duties were already very broad, the Act envisaged services that would be wider than what the wording required. Thus, it was stated that

the functions would ‘include’ rather than ‘comprise’ the prescribed duties. This point was taken up in a key report which noted that the Act ‘states what a child guidance service must do and does not place any limit on its functions’ (Principal Psychologists of Scotland, 1972). This broad view has continued to be reflected in official documents on the work of services, and in particular in the national review of educational psychology in Scotland (Scottish Executive Education Department, 2002).

Third, the terminology used to describe the client group of educational psychology refers to children with ‘additional support needs’. This is the same client group as was described in 1946 as ‘handicapped, backward and difficult children’. The definition of those who fitted this description was very broad, and included those who showed ‘emotional instability or psychological disturbance’. Following the Warnock Report and the change of focus from deficits to needs, the terminology used in the Education (Scotland) Act 1981 was ‘special educational needs’. The replacement of this term by the Education (Additional Support for Learning) (Scotland) Act 2004, led the way in fostering inclusive and non-discriminatory educational legislation and terminology. However, the client group remained the same as it had always been, and was sufficiently broad to give Scottish educational psychologists a statutory remit to deal with the widest range of psychological problems of childhood across the domains of development, learning and behaviour.

Fourth, the wording of the statutes gives Scottish services a remit that extends far beyond the scope of education services. It includes giving advice to the local authority in relation to the Social Work (Scotland) Act 1968 or to ‘any other enactment’. This was the broadest expression of statutory duties that could ever have been assigned to any service. The immediate significance of the Social Work (Scotland) Act 1968,

insofar as it concerned psychological services, was the setting up of the new Scottish Children's Hearings to replace the juvenile court system and the new duty of contributing psychological reports for that purpose. However, the wording of the Act is all-embracing. It involves giving advice to the council itself (the 'local authority') and not just to the education authority. The advice can relate to any enactment. That is to say, whatever legislation is laid on a council on any subject relating to the needs of children, the psychological service has a statutory duty to respond with advice if so required. In other words, the duties are not restricted to education (far less 'schools'), and they cover every statutory purpose the council might ever require of educational psychologists.

This unique statutory breadth, supported consistently by government reports, circulars and other national documents, has provided a basis that would allow Scottish educational psychology to develop as true 'community psychology', extending well beyond the boundaries of school and education (see MacKay, 2006a). This is compatible with the original vision on which the statutes were first based. Following the 1946 Act the Advisory Council on Education in Scotland provided commentary on the statutory functions in a discussion of 'relationships with the community':

It is a mistake to think that child guidance is a self-contained service... It is important to possess psychological techniques; it is also important to be informed about such matters as the efficiency of the local youth club, how to find temporary foster-parents, what action to take when a parent deserts, where to send a child who needs a holiday, how the local gangs of adolescents are organised, what facilities exist in the neighbourhood for recreation (Scottish Education Department, 1952:26).

The breadth of the statutory foundations of Scottish educational psychology services has provided an ideal substrate from which to develop a comparably broad range of professional roles. MacKay (1989) sought to articulate these under five headings: consultation, assessment, intervention, training and research. These were formalised when the Scottish Government took the lead in commissioning nationally-recognised performance indicators for educational psychology (MacKay, 1999), with the five ‘core functions’ operating at three levels: the level of the individual child or family, the level of the school or establishment and the level of the local authority. This was further ratified as the basis for service delivery by the Scottish Ministers following publication of the national review of services (Scottish Executive Education Department, 2002).

The inclusion of ‘research’ as a required core function of educational psychology in Scotland also reflects the spirit of the original legislation. The first duty laid upon services in the Act is ‘to study’, the object of the study being ‘children with additional support needs’. Research is therefore one of the functions that is subject to inspection as part of the co-operative arrangement reached by services with Her Majesty’s Inspectorate of Education (HMIE) following the national review. To support this process, a comprehensive self-evaluation tool-kit was prepared in collaboration with representatives of several services and of the universities (Her Majesty’s Inspectorate of Education, 2007).

The national review of services built on the broad legislative foundations of Scottish services in two further ways. First, it was envisaged that educational psychologists would play a key role in supporting the Government’s priorities for education in Scotland in relation to all children and young people, and not just those with additional support needs. The Standards in Scotland’s Schools etc. Act 2000

required education authorities to ensure that school education was ‘directed to the development of the personality, talents and mental and physical abilities of the child or young person to their fullest potential’. The Act also made provision for the Scottish Ministers to define national priorities in education. The Education (National Priorities) (Scotland) Order 2000 defined five such priorities: raising standards of educational attainment, especially in the core skills of literacy and numeracy; supporting and developing the skills of teachers and the self-discipline of pupils, and enhancing school environments; promoting equality, particularly for those with additional support needs; working with parents to teach pupils respect for themselves and others and to promote citizenship; and equipping pupils with the skills, attitudes and expectations necessary to prosper in a changing society and to encourage creativity and ambition. This opened the way for a much more direct role for educational psychologists in influencing policy and practice at both local and national level.

Second, the national review endorsed the recommendations made in the Beattie Report on post-school education and training of young people with special needs (Scottish Executive, 1999). This proposed the development of educational psychology services for 16-24 year olds, and represented a natural progression for services which already had statutory duties for the 0-19 age group following the commencement of the Disabled Persons (Services, Consultation and Representation) Act 1986. As a result, 12 local authorities became Pathfinders for post-school psychological services. Evaluation of this initiative (MacKay, 2006b) led the Government to fund the further development of post-school services as part of the new structure of educational psychology in Scotland.

Finally, *GIRFEC* (*Getting it Right for Every Child*, Scottish Government, 2008), Scotland's national approach to improve outcomes and support the wellbeing of children and young people, in partnership with their parents and all relevant professional agencies, began to be implemented in 2008 following pathfinder projects operating from 2006. It requires that services for children and young people – social work, health, education, police, housing and the voluntary agencies – provide a coordinated and streamlined approach, and in many aspects reflects the aims and provisions of *Every Child Matters* in England.

GIRFEC formalised many practices which were already becoming well established in education and other services, and in educational psychology in its contribution to these services. These practices were reflected in the Children and Young People (Scotland) Act 2014. The Act further moved the legislative basis of child law from parental responsibilities to children's rights; it made provision for a 'child's plan' for children with defined wellbeing needs; it required the appointment of a named person who would be the first port of call for assisting the child and ensuring that the agreed services were available; and it framed in legislation the *GIRFEC* 'Shanarri' indicators – the aim that the child should be 'safe, healthy, achieving, nurtured, active, respected, responsible and included'. Although educational psychologists are not specified in the Act, the *GIRFEC* framework forms an important area of their required functions within children's services.

Discussion

By defining the statutory duties of EPs the prevailing legislation of the day serves as a shared model of practice. But it also functions as an external challenge and as both a barrier to, and a vector for, change (Stobie, Gemmell, Moran & Randall, 2002).

Legislative structures determine the scope of the work of EPS, most notably in the formal requirements imposed by the burden of statutory assessments for special educational needs/additional support needs. But these structures are time-limited and evolve to reflect the values of society and EPs in their 100 years or so of history have witnessed and contributed to marked legislative changes, from the divisive and discriminatory statutes of the 1940s-1960s to the principles of inclusion and equality in the 21st century.

Current developments in legislation in the UK

As we have seen, recent developments in education legislation in the UK have given rise to greater coordination of children's services, with wide-ranging implications for the practice of EPs, most notably the challenge of providing a distinctive and effective voice within multi-agency teams (Norwich, 2005; MacKay, 2013). Further, while schools prioritise academic standards as part of the drive towards the knowledge-based economy, as Norwich (2005) notes, EPs in contrast emphasise the values of citizenship and social inclusion.

The introduction of a 'public health' perspective from the US (Meyers & Nastasi, 1999) has brought with it a more positive focus for EPs with its emphasis upon promoting mental health and quality of life, fostering learning and raising achievement for *all* children, not just those with SEN/ASN (MacKay, 2002; Baxter & Frederickson, 2005). But these developments also raise the issue of whether the child remains the primary focus for the work of EPs (Norwich, 2005).

These moves away from the narrow traditional functions linked to SEN/ASN are welcome developments, with time previously spent on statutory assessment increasingly available for consultation and research. A survey carried out in Scotland

by MacKay (1997) revealed that primary head teachers strongly endorsed the importance of research by EPs, and more recently, Boyle & MacKay (2007) provided evidence of the value of systemic models of service delivery, with research and involvement in the strategic issues facing schools regarded by primary and secondary head teachers in Scotland as being of central importance. However, the findings from the latter study also emphasised the value placed by schools on the full range of intervention services offered by EPs, including direct work with individual children and young people and highlight the co-existence of traditional and systematic approaches to practice.

Concluding Comments

Recent taxonomies of the essential features of EP practice (Gersch, 2004; Cameron, 2006) pose the question of what may be regarded as distinctive about the work of EPs and how their contributions differ from those of clinical psychologists and other applied psychologists on the one hand, and specialist teachers and professionals such as social workers who have received some training in psychology on the other. The future of educational psychology in the UK may ultimately depend upon the evidential base for EP practice work, the strength of collaborations with parents and other professionals alike, and the quality of EP training and staff development. But legislation will continue to be of paramount importance as it both shapes and legitimises EP practice and it is as crucial as ever before that EPs should continue to contribute a voice to the processes of legislative change.

References

- Baxter, J. & Frederickson, N. (2005) Every Child Matters: Can educational psychology contribute to radical reform? *Educational Psychology in Practice*, 21(2), 87-102.
- Boyle, J. & MacKay, T.A.W.N. (2007) Evidence for the Efficacy of Systemic Models of Practice from a Cross-sectional Survey of Schools' Satisfaction with their Educational Psychologists *Educational Psychology in Practice*, 23(1), 19–31.
- Boyle, J. & Mackay, T.A.W.N. (2010) The distinctiveness of applied educational psychology in Scotland and early pathways into the profession. *History & Philosophy of Psychology*, 12(2), 37-48.
- Boyle, C. & Lauchlan, F. (2014) A comparative overview of educational psychology across continents. In A.J. Holliman (Ed.) *The Routledge International Companion to Educational Psychology* (Ch. 4, pps. 31-40). Abingdon, Oxon: Routledge.
- Boxer, R., Foot, R., Greaves, K and Harris, J. (1998) LEA criteria and the nature of EP assessment. *Educational Psychology in Practice*, 14(2), 128-134.
- Buck, D. (1998) The relationship between educational psychologist's assessments and the allocation of provision to children with special educational needs. *Educational and Child Psychology*, 15(4), 91-102.
- Cameron, R.J. (2006) Educational psychology: The distinctive contribution. *Educational Psychology in Practice*, 22(4), 289-304.
- Department for Education (1994) *Code of Practice on the Identification and Assessment of Special Educational Needs*. London: HMSO.
- Department for Education (2014). *Special educational needs and disability code of practice: 0 to 25 years statutory guidance for organisations who work with and support children and young people with special educational needs and disabilities*. London: HMSO.

- Department for Education and Employment (1997) *Excellence for all children – meeting special educational needs. The Green Paper*. London: HMSO.
- Department for Education and Employment (1998) *Meeting special educational needs: A programme for action*. London: HMSO
- Department for Education and Employment (2000) *Educational Psychology Services (England). Current role, good practice and future directions. Report of the Working Group*. London: HMSO.
- Department for Education and Skills (2004) *Every Child Matters: Change for Children*. London: HMSO.
- Department of Education and Science (1978) *Special educational needs (The Warnock Report)*. London: HMSO.
- Department of Education and Science (1992) *Getting in on the Act: Provision for pupils with special educational needs*. London: HMSO.
- Farrell, P., Woods, K., Lewis, S., Rooney, S., Squires, G and O'Connor, M. (2006) *A review of the functions and contribution of educational psychologists in England and Wales in light of "Every Child Matters: Change for Children"*. London: DfES Publications.
- Buck, D. (2015) Reconstructing educational psychology reports: an historic opportunity to change educational psychologists' advice? *Educational Psychology in Practice*, 31(3), 221-234.
- Dahl, A., Hoff, K.E, Peacock, G.G. & Ervin, R. (2012) The influence of legislation on the practice of school psychology. In M.A. Bray & T.J. Kehle (Eds). *The Oxford Handbook of School Psychology* (Ch. 37, pps. 745-761). New York: Oxford University Press.

- Gersch, I. (2004) Educational psychology in an age of uncertainty. *The Psychologist*, 17(3), 142-145.
- Gillham, B. (ed.) (1978) *Reconstructing educational psychology*. London: Croom Helm.
- Her Majesty's Inspectorate of Education (2007) *Quality Management in Local Authority Educational Psychology Services: Self-Evaluation for Quality Improvement*. Livingston: HM Inspectorate of Education.
- Jimerson, S., Oakland, T. & Farrell, P. (2006) *The Handbook of International School Psychology*. Thousand Oaks, CA: Sage.
- Kirkaldy, B. (1997) Contemporary tasks for psychological services in Scotland. *Educational Psychology in Scotland*, 5, 6-16.
- Lauchlan, F. & Greig, S. (2015) Educational inclusion in England: origins, perspectives and current directions. *Support for Learning*, 30(1), 69-82.
- Leyden, G. (1999) Time for change: the reformulation of applied psychology for LEAs and schools. *Educational Psychology in Practice*, 14(4), 222-228.
- Lokke, C, Irvine, G. M'gadzah, H. and Frederickson, N. (1997) The resurrection of psychometrics. Fact or fiction? *Educational Psychology in Practice*, 12(4), 222-233.
- Marsh, A.J. (2014) Statements of special educational needs and tribunal appeals in England and Wales 2003–2013 – in numbers. *Educational Psychology in Practice*, 30(4), 393-408.
- Meyers, J. & Nastasi, B.K. (1999) Primary prevention in school settings. In T.B. Gutkin & C.R. Reynolds (Eds.) *The Handbook of School Psychology* (3rd. Ed.) (pps. 764-799). New York: Wiley.

- MacKay, T.A.W.N. (1989) Special education: the post-Warnock role for the educational psychologist. *BPS Scottish Division of Educational and Child Psychology*, Newsletter 1, 1-8
- MacKay, T.A.W.N. (1996) The statutory foundations of Scottish educational psychology services. *Educational Psychology in Scotland*, 3, 3-9.
- MacKay, T.A.W.N. (1997). Psychological service delivery to primary schools: Do head teachers want research? *Educational Psychology in Practice*, 13, 165–169.
- MacKay, T.A.W.N. (1999) *Quality Assurance in Education Authority Psychological Services: Self-evaluation Using Performance Indicators*. Edinburgh: Scottish Executive Education Department.
- MacKay, T.A.W.N. (2000) Educational Psychology and the future of special educational needs legislation. *Educational and Child Psychology*, 17(2), 27-35.
- MacKay, T.A.W.N. (2002) Discussion Paper – The future of educational psychology. *Educational Psychology in Practice*, 18(3), 245-253.
- MacKay, T.A.W.N. (2006a) The educational psychologist as community psychologist: holistic child psychology across home, school and community. *Educational and Child Psychology*, 23, 1, 7-13.
- MacKay, T.A.W.N.. (2006b) *The Evaluation of Post-School Psychological Services Pathfinders in Scotland (2004-2006)*. Edinburgh: Scottish Executive Department of Enterprise, Transport and Lifelong Learning.
- MacKay, T.A.W.N. (2013). Psychological services and their impact. In T. Bryce, and W. Humes (Eds), *Scottish Education*, 4th Edition (pages 809-819). Edinburgh: Edinburgh University Press.
- MacKay, T.A.W.N. & Boyle, J. (2013) The development of educational psychology in Scotland. Ch. 9 (pps. 108-115) in C Arnold (Ed.). *British Educational*

- Psychology: The First Hundred Years*. History of Psychology Centre Monograph No. 1. Leicester: British Psychological Society.
- Norwich, B. (2000) Educational Psychology and special educational needs: How they relate and where is the relationship going? *Educational and Child Psychology*, 17(2), 5-15.
- Norwich, B. (2005) Future directions for professional educational psychology. *School Psychology International*, 26(4), 387-397.
- Office of the First Minister and Deputy First Minister (2006). *Our Children and Young People – Our Pledge: A Ten Year Strategy for Children and Young People in Northern Ireland 2006-2016*. Belfast: Author.
- Principal Psychologists of Scotland (1972) *Child Guidance Services: The Future*. Report of a Working Party on the Structure of the Child Guidance Service in Scotland.
- Scottish Education Department (1952) *Pupils Who are Maladjusted Because of Social Handicaps*. A report of the Advisory Council on Education in Scotland. Edinburgh: HMSO.
- Scottish Executive (1999) *Implementing Inclusiveness, Realising Potential*. The Beattie Committee Report. Edinburgh: Author.
- Scottish Executive (2002) *Review of Provision of Educational Psychology Services in Scotland*. The Currie Report. Edinburgh: Author.
- Scottish Government (2008). *Getting it Right for Every Child*. Edinburgh: Author.
- Sheppard, J. (1995) The Education Act 1993. In, The British Psychological Society, *Professional Psychology Handbook*, pp.105-108. Leicester: BPS Books.
- Stern, W. (1911) The supernormal child II. *Journal of Educational Psychology*, 2, 181-190.

Stobie, I., Gemmell, M., Moran, E. & Randall, L. (2002) Challenges for educational psychologists and their services. *School Psychology International*, 23(3), 243-265.

The Children Act 1989

The Children Act 2004

The Children and Families Act 2014

The Children and Young People (Scotland) Act 2014

The Disabled Persons (Services, Consultation and Representation) Act 1986

The Education Act 1981

The Education Act 1993

The Education Act (Northern Ireland) 1947

The Education Act (Northern Ireland) 2014

The Education (Additional Support for Learning) (Scotland) Act 2004

The Education (Mentally Handicapped Children) (Scotland) Act 1974

The Education (National Priorities) (Scotland) Order 2000

The Education (Northern Ireland) Order 1996

The Education Reform (Northern Ireland) Order 1989

The Education (Scotland) Act 1946

The Education (Scotland) Act 1969

The Education (Scotland) Act 1980

The Education (Scotland) Act 1981

The Social Work (Scotland) Act 1968

The Special Educational Needs and Disability Act (SENDA) Act 2001

The Special Educational Needs and Disability (Northern Ireland) Order 2005

The Special Educational Needs and Disability Regulations 2014

The Special Educational Needs and Disability (Northern Ireland) Act 2016

The Special Educational Treatment (Scotland) Regulations 1954

The Standards in Scotland's Schools etc. Act 2000

Weddell, K. (2000) Moving towards inclusion: Implications for professional psychological Services. *Educational and Child Psychology*, 17(2), 36-45.

Wooldridge, A. (1994) *Measuring the mind: Education and psychology in England c 1860-1990*. Cambridge: Cambridge University Press.